

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TECH DATA CORPORATION,

Plaintiff,

v.

Civil Action No. 05-667(GMS)

HEWLETT-PACKARD COMPANY,

Defendant.

**HEWLETT-PACKARD COMPANY'S  
MOTION TO DISMISS TECH DATA'S COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendant Hewlett-Packard Company ("HP") hereby moves to dismiss the Complaint filed by Tech Data Corporation ("Tech Data") pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim for which relief may be granted. The Complaint is time-barred and should be dismissed for the reasons set forth in HP's opening brief filed herewith.

Dated: October 4, 2005  
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL

  
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